

NIXON'S LAWYER SAYS TESTS FIND TAPES AUTHENTIC

St. Clair, Denying Report of Re-Recording, Cites White House-Backed Review

INQUIRY NOT IDENTIFIED

Result of Investigation Will Be Turned Over to Joint Panel of Six Experts

By ANTHONY RIPLEY

Special to The New York Times

WASHINGTON, Feb. 17 — President Nixon's Watergate lawyer, James D. St. Clair, said today that a White House-sponsored technical review had refuted reports that two subpoenaed tape recordings were not authentic.

Mr. St. Clair, in a statement issued at the Presidential compound at Key Biscayne, Fla., said reports in The Washington Post today of so-called "re-recordings" of two tapes were "utterly false."

He said one member, whom he did not identify, of the six-man panel appointed by Chief Judge John J. Sirica of United States District Court to examine the tapes, "did express the opinion that two of the President's tapes could be re-recordings."

He said that, based on that "opinion," a wholly independent "technical investigation has been made."

Experts to Get Finding

The result of that investigation, he said, is being "made available" to the panel of experts.

In addition, Mr. St. Clair said his unidentified "technical investigation" also studied the 18½-minute buzzing sound on a June 20, 1972, tape recording of a conversation in President Nixon's office. The nature of the White House review was not described nor were those who took part in it identified. Mr. St. Clair was not available for comment.

The panel of court-appointed experts, whose names and backgrounds were checked and chosen jointly by the White House and the office of the

special Watergate prosecutor, Leon Jaworski, had unanimously held that there were at least five erasures and re-recordings on the tape.

Mr. St. Clair said that the White House-sponsored "technical investigation" had shown the erasure marks "could well have been and probably were caused by the admittedly defective recording machine" on the desk of Mr. Nixon's secretary, Rose Mary Woods.

Determined by Experts

The significance of this second finding was not immediately clear. The court-appointed panel had already determined the same thing.

Mr. St. Clair also struck at "inaccuracy and innuendo" in the press and said he would not let it go "unchallenged."

He said he intended to ask for an investigation by the Justice Department into "the person or persons who may have violated legal restraints in referring to matters within the purview of the grand jury."

"I am absolutely confident that when all the facts are known," he said, "the authenticity and integrity of the tapes turned over to the courts will be established."

The White House had initially reacted with angry denials to The Washington Post report.

White House aides yesterday denied the reports in some of the strongest language used since the Watergate scandals first broke open.

They accused the newspaper in private conversations of a "deliberate and malicious" attack on the credibility of President Nixon.

Gen. Alexander M. Haig, the White House chief of staff, called the report "blasphemous speculation" and "gross intrusion on grand jury proceedings."

However, when approached

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today in Key Biscayne, General Haig told reporters he had understood that the article would be stronger than the one that was published.

In Washington, The Post reported that General Haig knew the substance of the article as it was run.

"It's as simple as that," one editor said.

Benjamin C. Bradley, executive editor of The Post, declined comment.

The report said that the court-appointed panel of electronic experts studying the remaining six tapes from the nine originally subpoenaed by the former special Watergate prosecutor, Archibald Cox, had found technical indication that cast doubt on the authenticity of two of them.

Of the original nine sought

by Mr. Cox, two were later said by the White House never to have been recorded and a third, that of a June 20, 1973, conversation in the White House, contained an 18.5-minute gap.

In addition, two other recorded conversations turned over to Mr. Cox's successor, Mr. Jaworski, contained gaps. These were in a dictation machine belt and a cassette tape.

General Haig late last night called J. Fred Buzhardt Jr. from Washington and James D. St. Clair from Boston to the Presidential compound in Florida for a conference on the argument with The Post. Mr. St. Clair was delayed by snow in Boston and they did not arrive until late today.

One source with knowledge of the work of the panel of experts told The New York Times that the preliminary results were less definitive now than The Post reported.

The Associated Press, quoting unnamed sources, said the observations made to the White House and the special prosecutor about the tapes were "no findings at all but initial and very tentative hypotheses."

The experts, chosen jointly by the White House and the special prosecutor, were appointed last Nov. 16 by Chief Judge John J. Sirica of United States District Court. Their major task was to examine all the material turned over on the Cox subpoena for its authenticity and integrity.

All six panel members have met together at various times. For the most part, however, they have been working with the copies of the original tapes at their separate laboratories from New York to California.

On occasions when the original tapes are copied or examined, lawyers from both sides and a United States marshal are on hand.

This arrangement was ordered by Judge Sirica and be-

cause of it, both sides knew long before the public that there were erasures and re-recordings on the June 20 tape.

When the experts reported a month ago about the 18.5 minute buzzing in a tape, they said at that time they had already done some preliminary work on the other six tapes.

Since then, they have asked Judge Sirica to set priorities in their work. The judge replied on Feb. 5 that they should set their own priorities.

Because of the erasures, the missing tapes and the gaps on the dictation belt and cassette, Judge Sirica on Jan. 18 ordered the whole matter turned over to one of the Watergate grand juries.

It was clear then that the experts did not agree on whether the other tapes had been tampered with.

Either the work was too preliminary at that time or something had been found on the other tapes and the experts disagree as to its significance.